

Notice of Allowability

Application No.

10/699,934

Examiner

Tri T. Ton

Applicant(s)

SHIBATA ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and remarks/arguments filed on 04/09/2007.
2. ☒ The allowed claim(s) is/are 1-4,6,7,10-12 and 14-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This is a response to the amendment and remarks/arguments filed on 04/09/2007.
2. Claims 5, 8-9, 13 are canceled.

Allowable Subject Matter

3. Claims 1-4, 6-7, 10-12, 14-23 are allowed.
4. The allowable Subject matter was indicated in office Action mailed on 11/07/2006.

The following is a statement of reasons for the indication of allowable subject matter:

5. As to claim 1, the prior art of record taken along or in combination, fails to disclose or render obvious "*composing the applied of said divided four beams that have been reflected off said sample and passed through said objective lens into a composed beam of light*" in combination with the rest of the limitations of claim 1.
6. As to claim 6, the prior art of record taken along or in combination, fails to disclose or render obvious "*four polarized beams, through an objective lens, whose directions of electric field vectors are different with each other ... with a composed beam of light which is composed with lights reflected from said substrate by the illuminating and entered said objective lens during the illumination*" in combination with the rest of the limitations of claim 6.

7. As to claim 10, the prior art of record taken along or in combination, fails to disclose or render obvious "*four beams of light of the bright-field illumination reflected from said substrate are composed into a composed beam of light used for the imaging*" in combination with the rest of the limitations of claim 10.

8. As to claim 15, the prior art of record taken along or in combination, fails to disclose or render obvious "*image forming means has a second polarization adjusting part adjusting the polarization direction of the beam made by composing each reflected light of said four beams from said substrate*" in combination with the rest of the limitations of claim 15.

9. As to claim 16, the prior art of record taken along or in combination, fails to disclose or render obvious "*the other one of the beams of light branched by the branching means is allowed to enter an oblique illuminating means illuminating said substrate obliquely*" in combination with the rest of the limitations of claim 16.

10. As to claim 17, the prior art of record taken along or in combination, fails to disclose or render obvious "*a dark field illuminating means illuminating said substrate obliquely from outside of said objective lens with the other one of the beams of light branched by said branching means*" in combination with the rest of the limitations of claim 17.


Fax/Telephone Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri T. Ton whose telephone number is (571) 272-9064. The examiner can normally be reached on 10:30am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 26, 2007
Examiner Tri Ton/SN



Gregory J. Toatley, Jr.
Supervisory Patent Examiner

Art Unit 2877
Technology Center 2800